

116TH CONGRESS  
1ST SESSION

# H. R. 1781

---

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2019

Received; read twice and referred to the Committee on Finance

---

## AN ACT

To amend titles XVIII and XIX of the Social Security Act to provide the Medicare Payment Advisory Commission and the Medicaid and CHIP Payment and Access Commission with access to certain drug payment information, including certain rebate information.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

## **1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Payment Commission  
3 Data Act of 2019”.

**4 SEC. 2. PROVIDING THE MEDICARE PAYMENT ADVISORY  
5 COMMISSION AND MEDICAID AND CHIP PAY-  
6 MENT AND ACCESS COMMISSION WITH AC-  
7 CESS TO CERTAIN DRUG PAYMENT INFORMA-  
8 TION, INCLUDING CERTAIN REBATE INFOR-  
9 MATION.**

10           (a) ACCESS TO CERTAIN PART D PAYMENT DATA.—  
11 Section 1860D–15(f) of the Social Security Act (42  
12 U.S.C. 1395w–115(f)) is amended—

13 (1) in paragraph (2)—

16 (B) in subparagraph (B), by striking the  
17 period at the end and inserting “; and”; and

18 (C) by inserting at the end the following  
19 new subparagraph:

“(C) by the Executive Director of the Medicare Payment Advisory Commission for purposes of monitoring, making recommendations, and analysis of the program under this title and by the Executive Director of the Medicaid and CHIP Payment and Access Commission for purposes of monitoring, making rec-

1           ommendations, and analysis of the Medicaid  
2           program established under title XIX and the  
3           Children's Health Insurance Program under  
4           title XXI.”; and

5           (2) by adding at the end the following new  
6           paragraph:

7           “(3) ADDITIONAL RESTRICTIONS ON DISCLO-  
8           SURE OF INFORMATION.—The Executive Directors  
9           described in paragraph (2)(C) shall not disclose any  
10          of the following information disclosed to such Execu-  
11          tive Directors or obtained by such Executive Direc-  
12          tors pursuant to such paragraph, with respect to a  
13          prescription drug plan offered by a PDP sponsor or  
14          an MA–PD plan offered by an MA organization:

15           “(A) The specific amounts or the identity  
16          of the source of any rebates, discounts, price  
17          concessions, or other forms of direct or indirect  
18          remuneration under such prescription drug plan  
19          or such MA–PD plan.

20           “(B) Information submitted with the bid  
21          submitted under section 1860D–11(b) by such  
22          PDP sponsor or under section 1854(a) by such  
23          MA organization.

24           “(C) In the case of such information from  
25          prescription drug event records, in a form that

1           would not be permitted under section  
2           423.505(m) of title 42, Code of Federal Regula-  
3           tions, or any successor regulation, if made by  
4           the Centers for Medicare & Medicaid Services.”.

5         (b) ACCESS TO CERTAIN REBATE AND PAYMENT  
6 DATA UNDER MEDICARE AND MEDICAID.—Section  
7 1927(b)(3)(D) of the Social Security Act (42 U.S.C.  
8 1396r-8(b)(3)(D)) is amended—

9           (1) in the matter before clause (i), by striking  
10          “subsection (a)(6)(A)(ii)” and inserting “subsection  
11          (a)(6)(A);”;

12          (2) in clause (iv), by striking “and” at the end;  
13          (3) in clause (v), by striking the period at the  
14          end and inserting “, and”;

15          (4) by inserting after clause (v) the following  
16 new clause:

17           “(vi) to permit the Executive Director  
18          of the Medicare Payment Advisory Com-  
19          mission and the Executive Director of the  
20          Medicaid and CHIP Payment and Access  
21          Commission to review the information pro-  
22          vided.”;

23          (5) in the matter at the end, by striking  
24          “1860D-4(c)(2)(E)” and inserting “1860D–  
25          4(c)(2)(G)”;

Passed the House of Representatives October 28,  
2019.

Attest: **CHERYL L. JOHNSON,**  
*Clerk.*